[For the dynamics of political power, including the mechanics of political leadership and decision making activities in the group, see category 561. The age-set system is the key to the understanding of the political structure and behavior of the pastoral Masai.]

2: Bernardi E, M-4 (no date) 1955 FL12 Masai FL12

614 623 312 423 clansmen frequently meet on the water, and other matters — marriage, debts, etc. — come up for settlement before the tribunal". Clan ownership does not exclude individual ownership, which is integrated by the former as a sort of higher supervision. The point is that no clan property must be passed over to other clans without the owning clan's approval. HOBLEY,[29] states that cattle used to be marked by a clan brand showing clan-possession, and sometimes by a brand of the individual owner.

614 671 682 The corporate bond arising from clan relationship is confirmed by cases of murder compensation. Even if a murderer is a wealthy man, and might pay all the compensation out of his own stock, "the other branches of the clan would still contribute and they would pay their share". However, "if a Masai kills a member of his own branch of the *gilat* he pays compensation himself, and the other branches do not contribute".[30] LEAKEY, on the other hand, was told by his informants that no compensation is expected when a man kills a member of his own branch. They say: "what would be the use of taking a fine from one's own sub-clan?"[31] HOBLEY reports further that "each branch of the *gilat* to whom the murdered man belongs, receives a share of the compensation: 2-3rds to the murdered's father", and the rest is distributed among the other elders of the clan.[32] This is also confirmed by the notes of MAGUIRE on the penal code of the Masai.[33]

614 One should note that the corporate bond formed by clan relationship is of a particularist nature. It ties members to their own clan in opposition to other clans within the same tribe.

* * *

648 642 175 The many efforts of the Administration to identify a native political institution for local government make a very interesting piece of etnographical history. First in Kenya, and also, after 1918, in Tanganyika, one *laibon* was recognised as the Paramount Chief of the Masai. In Kenya such an office was abolished in 1918, while a graded system of councils was introduced: a Central Masai Council, 14 Native Councils and local Headmen. They acted as tribunals,

[29] HOBLEY, *Ethnology of A-Kamba*, p. 122.
[30] HOBLEY, l. c., p. 122; FOSBROOKE, l. c., pp. 43 s.
[31] LEAKEY, *Some Notes on the Masai of Kenya Colony*, in *J. R. A. I.*, 60, 1930, p. 269.
[32] HOBLEY, l. c.
[33] MAGUIRE, *The Masai Penal Code*, in *J. A. S.*, 24, 1953, pp. 13 ss.

2: Bernardi E, M-4 (no date) 1955 FL12 Masai FL12

the Central Council being the Appeal Court. In the thirties, the system was again modified, and there are now two regularly constituted tribunals in each of the two Kenya Districts, Narok and Kajiado, in the Masai reserve, and an Appeal Tribunal in each district. In Tanganyika changes came later. Only in 1938 the Paramount Chief was abolished and a new system introduced. There is now a Masai Council, acting as the Appeal Court from the six Local Courts established under the authority of a Headman. Lord HAILEY, commenting on the Tanganyika system, remarks that "the whole of the juridical organisation seems on a tentative basis, and in practice it functions irregularly, owing to the nomadic habits of the people". This is more or less true also for Kenya. It is a fact that, in Kenya and Tanganyika, the Masai never accepted the authority of the *laibon* or prophet in terms of Paramount Chief, and that they dislike the idea of a formally established court. [1] Nomadism, as Lord HAILEY points out, has much to do with this attitude of the Masai, but it is their social structure which has no place for such institutions. Whatever political authority exists among the Masai, it is established on the structural basis of the age-system. This system has a dynamic character which can hardly be reconciled with the rigidity of any administrative system imposed from above by the Government.

The institution of the Masai prophet has been described by FOURNOOKE, p. 13. He distinguishes three types of *laibon*. "First there is the private practitioner who, for suitable remunerations, will perform such service as curing sickness, removing barrenness and ensuring fidelity in wives. He is only consulted by individual patients. The next stage is when a private practitioner has acquired such a reputation that he is consulted by a deputation on behalf of a group of Masai, and provides charms and lays down a ceremonial to be utilised to the advantage of the whole group. Such prac-

[1] Writing of the Native Authority System in Kenya after 1918, Lord HAILEY says in *Native Administration in the British African Territories. Part I — East Africa: Uganda, Kenya, Tanganyika*, London 1950, p. 171, "these Tribunal were not generally recognised by the Masai who preferred that such issues as arose between them should be settled in the customary manner by the Headman or Elders". And with regard to the new development he notes, p. 178, that "the preference for referring cases to the arbitration of local headmen or elders persists". He makes a similar comment for Tanganyika on p. 894: "in the Masai District the majority of the issues arising between the tribesmen are settled by arbitration".

2: Bernardi E, M-4 (no date) 1955 FL12 Masai FL12

561 immediate interest are in the main of a private nature, and their
885 share in tribal or public affairs is a minor one. They try to enhance
[994] their social status by increasing cattle, marrying other wives, and having their sons initiated.

The *senior elders* have a full share in political life. It would even
561 be correct to say that this is their privilege, and theirs is the class
642 in power. Their sons are ready for initiation. Therefore it is upon their class that falls the duty of undertaking the institution of a new class by controlling and performing all the proper ceremonies. It is from such duty or privilege that the so called *piron* relationship is derived. It is a mutual relationship by which, on the one hand, the elders pledge themselves to assist the candidates, and be their sponsors, and, on the other hand, the latter revere the elders' authority and follow their advices. Thus the *piron*-elders control the main branch of social and political activity, namely the institution of a new class. And, because the initiates, both junior and senior, constitute the strongest body of the military force even this other branch of political structure, namely military organisation and activity, falls to some extent under the elders' authority. The peculiar nature of Masai society makes it out of place the search for individual political leaders, but if we want to express ourselves with usual terms, we could say that the *piron*-elders are the true political leaders of the Masai.

The three classes of the *old men* are the classes which have retired.
561 In practice they take no further active part in political life, but are
887 concerned with religious ceremonies in which their presence is greatly considered. Their number is naturally decreasing and the few survivors of the last classes are generally dotards. When possible, these survivors, particularly the former leaders, are consulted when tradition is to be ascertained.

561 Analysis shows that the prerogatives of the age-classes are common and proper to all their members, and it shows also that the number of class-members, after the class is constituted, is so closed as no member is any longer accepted into the class.

Junior elders succeed seniors in political leadership when the institution of a new class is officially opened. The phenomenon takes place through the rhythm of the age-system ceremonies.

In this connection FOSBROOKE,[170] speaks of a handing over ceremony performed by the senior and junior elders. "The mat-

[170] FOSBROOKE, l. c., p. 31.

discarded their old formations, adversities of various descriptions have introduced the necessity of undertaking manual labour in portions of each reserve and a succession of punitive expeditions or displays of force, the last of which occurred some ten years ago, has brought home to them a conception of the power of the Government, a realization which has tended towards a more progressive attitude owing to the diminution which it caused in their minds of the influence held by their medicine-men. No punitive expedition has ever been undertaken against the Masai, an omission which was very largely due to the authority and sagacity of Lenana, the chief medicine-man at the time when the European Government was first encountered, who survived long enough to keep his people in check until such a degree of administration had been effected as to render the despatch of a punitive expedition a measure that would only be resorted to in the last extremity. Further, the Masai now thoroughly realize how vulnerable they are if ever they come into armed conflict with the Government. Their enormous, immobile herds would immediately be lost and a sufficient degree of punishment could quickly be attained. For this reason, it is extremely improbable that they will, of their own initiative, so far forget what they consider to be their best interests as to cause a serious disturbance. The escape from punitive expeditions, however, has undoubtedly been a factor in the perpetuation in their original form of the Masai ideas and traditions.

The tribal formation of the Masai.

As will be seen in Chapter II., the Masai tribe originally consisted of both pastoral and agricultural sections, of which the latter was almost annihilated by the former and survives at present only in one or two scattered localities, mainly in areas reserved for other tribes. A small section of these agriculturalists, the Nguruman, is to be found at the north end of Lake Natron, but that is the only trace of them in the present Masai Reserve, and these people now show a tendency to assume the habits and customs of the pastoralists. The problem presented in the administration of the Masai is therefore almost exclusively concerned with the pastoral section. According to the social system of this section, the male sex is divided into boys, warriors and elders. The first stage continues until circumcision, which may be performed approximately between the ages of thirteen and seventeen. These boys are called "L-Ayok." After circumcision, they become warriors, or "Muran," those who have been circumcised at about the same time being said to belong to the same age. The "Muran" remain on the fighting strength of the tribe for periods varying from seven to fourteen years, during which period they constitute a standing army. They are divided into Companies, or "Sirits," which live in separate villages, or "Manyattas," some of these containing as many as six or seven hundred fighting men. With few exceptions, the "Muran" of the present day perform no work of any kind. In days gone by, they were expected to carry out raids and preserve the armed prestige of the tribe, but the introduction of the "Pax Britannica" has deprived them of such employment, and they, having found no alternative occupation, are content to remain in idleness and to live in the state of free love with immature girls which tradition prescribed as the duty of the warrior in the days of tribal warfare.

Social system of the pastoral section. "L-Ayok." "Muran."

The effect of the military organization.

This military organization of the Masai made them, in the past, a most effective body for destructive military operations, and explains not only the predominant position which they acquired in East Africa, but also the respect which they inspired and the extent to which their customs were imitated by other tribes. On the other hand, it probably also is the reason why they never founded any state or polity analogous to the Kingdoms of Uganda and Unyoro. The centre of political gravity was not with the elders or chiefs, but with a republic of young men, governed by ideas of military comradeship and desirous only of military glory. Retirement from this band of warriors as a chief was honourable, but seems to have been regarded as a removal to an inferior sphere of activity. The chiefs arranged the details of the raids which the warriors wished to undertake, but their power of compelling them to do anything which they did not wish was very slight.*

* Sir Charles Eliot, November, 1904, Introduction to "The Masai: Language and Folklore," by A. C. Hollis.

7: Hailey G-4 (No date) 1950 FL12 Masai FL12

634 [623] was further complicated by the fact that at stated intervals, normally about 15 years, power passed from the hands of the representatives of one Age Group in each Section into those of the succeeding Age Group, there being thus an alternation of authority in each Section between the Right Hand and Left Hand Groups.

642 To quote Sir Charles Eliot again, the consequence of the traditional structure of Masai society was that "the centre of political gravity was not with the elders or chiefs, but with a republic of young men, governed by ideas of military comradeship. The chiefs arranged the details of any raids which [622] the young men wished to undertake, but their power of compelling them to do anything which they did not wish was very slight." The nearest approach 691 to a central and superior authority was to be found in the Chief Medicine-Man 642 (Laibon), though his authority was based mainly on the discharge of his magical functions.[1] The medicine-men were divided into three grades, of which the first grade was represented by the person of the Laibon, the Chief Medicine-Man of the tribe, and his guidance was held to be of the first importance in any major operation which the tribe might undertake.

THE INTRODUCTION OF THE NATIVE AUTHORITY SYSTEM

175 648 It is unnecessary to dwell here on the circumstances which for a prolonged period made the Masai a standing menace to the peace of their neighbours. The tribe seems to have reached the height of its power between 1800 and 1850, when it overran Kenya and part of Tanganyika.[2] There were subsequently severe internal dissensions among the Masai, which resulted in two of their five "divisions" being practically destroyed and there was also great mortality as a result of the outbreak of rinderpest and smallpox in the 'eighties of last century. But even though their strength was much reduced, their predatory habits continued to be a matter of grave concern in the early days of the Colony, and seemed in particular to threaten the progress of European settlement. Among the Masai themselves strong feelings were aroused by the measures, taken largely in the interest of European settlers, designed to counteract the propensity of the tribesmen to roam widely in search of fresh grazing grounds, as the result of which they were restricted to a Northern Reserve (Laikipia) and a Southern Reserve, separated from the Northern Reserve by a broad belt of country occupied by European farms. That was the position at the time of the Masai Agreement of 1904, but it subsequently became the policy of the Kenya Government to move the tribesmen in the Northern Reserve into the Southern Reserve, which was to be largely augmented in area for this purpose.[3]

175 648 791 In view of the terms of the Agreement of 1904, the assent of the Masai was required for this transfer, and the operation was one of obvious difficulty. In the circumstances it was not unnatural that the Government should have availed itself of the influence exercised by the Chief Medicine-Man, the Laibon Lenana. He had inherited from his father, Mbatian, who died in 1890, a position which commanded general respect, and he himself took a leading position on behalf of the tribe in the discussions which led up to the Agreement of 1904, which he signed as "Chief Laibon." He was subsequently recognized

[1] The word laibon appears to be a Europeanized form of the Masai word Ol'aiboni (A. C. Hollis, The Masai, 1905, page 49.

[2] Land Commission Report Vol. II para. 105.

[3] The Laikipia Reserve, contained 4,500 square miles. An addition of 6,500 square miles was to be made to the Southern Reserve.

7: Hailey G-4 (No date) 1950 FL12 Masai FL12

grades, which has resulted in marking off the whole of the younger men, roughly up to the age of twenty-seven or thirty, as a warrior class (moran) who are not only free from most obligations to work, but are independent in many other respects of tribal discipline. Though therefore authority has rested nominally with the Elders (laigwanak) who have passed the stage of moran, and with the Councils of Elders who formed a regular feature of the Masai tribal usage, these Councils have not in the past nor are they to-day able to enforce decisions which may affect the younger men. It is true that the Elders have recently made decisions, accepted by the moran themselves, which will limit the period of moran-hood and may provide the moran with work on betterment schemes, but it still remains to be seen how far these will be effective in providing a solution for a problem of which the economic is no less serious than the social aspect.

Attempts were at one time made in Tanganyika, as also in Kenya, to utilize the Laibon, the spiritual head of the Tanganyika Masai, as Native Authority. But the Masai themselves objected to his occupying this position, and as the result of a Sociological Survey made by H. A. Fosbrooke in 1938, the system was altered. The gazetted Native Authority then became the Masai Council, which in practice consisted of Headmen and Elders, and apparently also of any tribesmen outside the moran age grade who cared to attend. But this Council was in effect only a consultative body, without any practical authority, and since the Headmen were not gazetted as Native Authorities, they had no legal power to issue Orders under Section 8 of the Native Authority Ordinance.

A further reorganization has now been carried out. Each area now has its own Local Council, with locally elected representatives of age grades and clans, and these Councils have been gazetted as Subordinate Native Authorities. Representatives from each Local Council, differing in numbers in accordance with the size and population of the area involved, compose the Masai Council, which is the Superior Native Authority for the whole Masai District, excluding Sonjo. The Council is now limited to these representatives: there is, however, provision for the addition of moran or nominated members if and when advisable. The Local Councils have begun to exercise their Order making powers under Section 8 of the Native Authority Ordinance. There are 41 paid Headmen, chosen by members of their own age grade.

There is a Masai Native Treasury, which however is managed entirely by the District Commissioner. The small Sonjo tribe has a Council of Sonjo Headmen, which is gazetted as a Native Authority, and has a separate Treasury.

THE WORKING OF THE NATIVE AUTHORITY SYSTEM

The variety of conditions is so great that it is difficult to generalize on the operation of the system of native administration in the Province as a whole. There are, however, certain points of special significance. The recent reorganization in the Chagga Native Authority area has placed in a superior position three Chiefs who already had a high status in view of the number of taxpayers in their jurisdiction, but its future success will depend on the extent to which these Chiefs can secure the co-operation of the more progressive elements who have now been brought within the framework of the system, as members of the new Divisional Councils. This is especially necessary, in view of the character of Chagga society, for though the Chagga are probably the